

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

DAWN LENGRAND, For herself and on behalf of all similarly situated individuals,)	
Plaintiff,)	Civil Action No. 3:11cv333 (HEH)
v.)	
WELLPOINT, INC.,)	
Defendant.)	

DEFENDANT'S MOTION TO STRIKE PROPOSED CLASS DEFINITION

Pursuant to Federal Rules of Civil Procedure 12(f), Defendant WellPoint, Inc. (“Defendant” or “WellPoint”), by and through its counsel, Seyfarth Shaw LLP, submits this Motion to Strike Plaintiff’s Proposed Class Definition. The proposed class definition in Paragraph 36 of the Complaint is an improper “fail safe” definition because membership in the proposed class requires a threshold legal inquiry necessarily based upon a determination of liability. Thus, determining who is a member of the class would necessarily require an individualized inquiry, which is inappropriate for a class action. For this reason and those explained more fully in the accompanying memorandum of points and authorities in support, the definition and those paragraphs in Plaintiff’s Complaint relating to the same must be stricken.

Date: July 5, 2011

Respectfully submitted,

WELLPOINT, INC.

By: /s/

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CERTIFICATE OF SERVICE

I hereby certify that on July 5, 2011, a true and correct copy of the foregoing Defendant's Motion to Strike Proposed Class Definition, was filed via CM/ECF, with electronic notification to :

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